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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,958	05/31/2000	Ron Campbell Allan	AUS9-2000-0254-US1	2335

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06/05/2003

Joseph R Burwell  
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Austin, TX 78755-8022

EXAMINER
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NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

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DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/583,958

Applicant(s)

ALLAN ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1 – 21 are presented for consideration.

#### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6-9, 13-16, 20, 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. [ US Patent No 5958010 ], in view of Yamane et al. [ US Patent No 6317786 ].

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5. As per claim 1, Agarwal discloses the invention substantially as claimed including a method for updating operational parameters of a monitoring agent on a client in a distributed data processing system, the monitoring agent monitoring characteristics of at least one application executing on a server in the distributed data processing system, the method comprising the steps of:

filtering, by the monitoring agent [ 30-40, Figure 1 ], network data from the client to the server [ col 3, lines 36-43; and col 8, lines 15-18 ];

determining, by the monitoring agent, whether an outgoing transaction in the network data is addressed such that an application on the server receives the outgoing transaction as a request to change the operational parameters of the monitoring agent [ col 3, lines 21-32 and lines 48-52; col 7, lines 46-56; and col 9, lines 10-15 ].

Agarwal does not specifically disclose

in response to a positive determination that the outgoing transaction is addressed such that an application on the server receives the outgoing transaction as a request to change the operational parameters of the monitoring agent, sending a request from the monitoring agent to the server to send to the monitoring agent an update of the operational parameters of the monitoring agent.

Yamane discloses

in response to a positive determination that the outgoing transaction is addressed such that an application on the server receives the outgoing transaction as a request to change the operational parameters of the monitoring agent, sending a request from the monitoring agent to

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the server to send to the monitoring agent an update of the operational parameters of the monitoring agent [ col 9, lines 47-52; col 10, lines 29-67; and col 16, lines 32-40 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Agarwal and Yamane because Yamane's teaching would provide a better analysis tools to manage the overall system [ Yamane, col 3, lines 60-col 4, lines 14 ]

6. As per claim 2, Agarwal discloses

receiving, at the monitoring agent, the update of the operational parameters of the monitoring agent [ col 3, lines 39-53; and col 8, lines 19-26 ]; and

storing updated operational parameters on the client in a manner accessible to the monitoring agent [ col 3, lines 26-27; and col 4, lines 2-12 ].

7. As per claim 6, it is rejected for similar reasons as stated in claim 1.

8. As per claim 7, it is rejected for similar reasons as stated above in claim 1. Furthermore, Agarwal discloses

parsing the outgoing transaction for an Internet Protocol (IP) address [ col 4, lines 42-45 ];

matching the IP address with an IP address stored as an operational parameter of the monitoring agent on the client [ col 8, lines 43-48 ].

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9. As per claims 8, 9, 13 and 14, they are apparatus claimed of claims 1, 2, 6, and 7 respectively, they are rejected for similar reasons as stated above in claims 1, 2, 6 and 7.

10. As per claims 15, 16, 20 and 21, they are program product claimed of claims 1, 2, 6 and 7, respectively, they are rejected for similar reasons as stated above in claims 1, 2, 6 and 7.

11. Claims 3-5, 10-12, 17-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Agarwal et al. [ US Patent No 5958010 ], in view of Yamane et al. [ US Patent No 6317786 ], and further in view of Frailong et al. [ US Patent No 6496858 ].

12. As per claim 3, it is rejected for similar reasons as stated above in claim 1. Furthermore, Agarwal and Yamane do not specifically disclose

parsing the outgoing transaction for a Uniform Resource Identifier (URI);

matching the URI with a URI stored as an operational parameter of the monitoring agent on the client.

Frailong discloses

parsing the outgoing transaction for a Uniform Resource Identifier (URI) [ col 20, lines 36-40; col 21, lines 32-35 and lines 46-49 ]; and

matching the URI with a URI stored as an operational parameter of the monitoring agent on the client [ col 11, lines 50-65; and col 20, lines 58-62 ].

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It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Agarwal, Yamane, and Frailong because Frailong's teaching would allow to monitor the remote device to perform necessary function [ Frailong, col 21, lines 50-53 ].

13. As per claim 4, Yamane discloses the URI is a Uniform Resource Locator (URL) embedded within a Hypertext Transport Protocol (HTTP) request [ col 4, lines 56-59 ].

14. As per claim 5, Frailong discloses the request for an update of the operational parameters of the monitoring agent is addressed with a URI stored as an operational parameter of the monitoring agent on the client [ col 2, lines 47-53; col 10, lines 3-16; and col 11, lines 45-49 ].

15. As per claims 10-12, they are apparatus claimed of claim 3-5, they are rejected for similar reasons as stated above in claims 3-5.

16. As per claims 17-19, they are program product claimed of claims 3-5, they are rejected for similar reasons as stated above in claims 3-5.

17. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for

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response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

  
MENG-AL T. AN  
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